

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

UNITED STATES OF AMERICA

v.

BROCK LIKENS

Defendant(s)

Case No.

3:18-mj-41 (ATB)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of November 2017 through January 25, 2018 in the county of Greene in the Northern District of New York the defendant(s) violated:

*Code Section*

18 U.S.C. § 2252A(a)(2)(A)

18 U.S.C. § 2252A(a)(5)(B)

*Offense Description*

Distribution and Possession of Child Pornography

This criminal complaint is based on these facts:  
See attached affidavit

☒ Continued on the attached sheet.


*Complainant's signature*

Jenelle Bringuel, SA FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: January 25, 2018


*Judge's signature*

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT**

I, Jenelle Bringuel, having been first duly sworn, do hereby depose and state as follows:

1. I have been employed as a Special Agent of the FBI since June 2012 and am currently assigned to the Albany Division, Binghamton Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to cyber crimes and crimes against children. I am currently investigating federal violations concerning child pornography and the sexual exploitation of children. I have gained experience regarding such crimes through training in seminars, classes, and everyday work related to conducting these types of investigations.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the possession, distribution of child pornography in violation of Title 18, United States Code, Section 2252A.

3. I make this affidavit in support of a criminal complaint charging BROCK A. LIKENS with knowingly distributing child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, in violation of Title 18 United States Code, Section 2252A(a)(2)(A); and knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

4. The statements contained in this affidavit are based upon my investigation,

information provided by other law enforcement officers, and on my experience and training as a Special Agent of the FBI. As this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that BROCK A. LIKENS has violated Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

#### **Details of the Investigation**

5. On January 12, 2018, your Affiant was advised by Colonie Police Department Police Officer Chris Smith, an employee of the FBI's Albany Child Exploitation Task Force, that on November 18, November 19, and November 26, 2017, Smith, accessing the Internet in an undercover capacity, connected to a device utilizing IP address 198.255.143.203 and downloaded eight-seven (87) complete videos and nine (9) partial videos depicting child pornography. Your affiant viewed these videos and provides a description of three of them below.

6. Three of the videos downloaded by the undercover are described as follows:

a. On 11/18/2017, a file bearing the name "Babyj & Babyshivid 2Yo.avi" was downloaded from a device utilizing IP address 198.255.143.203. This video, approximately 39 seconds in length depict a nude child, approximately 2 years of age, standing in front of an ottoman with their back facing the camera and their hands tied behind their back. An adult male penis can be seen behind the child. The adult male squirts a white substance on the rear end of the child and massages it into their rear end. The adult male then picks the screaming child up and bends them over the ottoman.

- b. On 11/19/2017, a file bearing the name "Babyshivid-pussy-01.avi" was downloaded from a device utilizing IP address 198.255.143.203. This video, approximately 1 minute in length depicts a female child approximately 2 years of age, laying on her back wearing only a pair of underwear and a blindfold. A nude adult male is standing over the child forcing her legs back toward her head. The adult male moves the crotch of the child's underwear to the side and rubs his penis against her vagina. After several attempts at inserting his penis into the child's vagina, the adult male vaginally penetrates the crying child with his penis.
- c. On 11/26/2017, a file bearing the name "Babyshivid-pussy-pounded.avi" was downloaded from a device utilizing IP address 198.255.143.203. This video, approximately 2 minutes and 44 seconds in length depicts a nude female child approximately 2 years of age, laying on her back while a nude adult male kneels above her with his buttocks over her head area. The adult male rubs his penis over the child's vaginal area. After several attempts at inserting his penis into the child's vagina, the adult male vaginally penetrates the child with his penis and eventually ejaculates on her vaginal area.

7. The device utilizing IP address 198.255.143.203 was the sole candidate for each of the downloaded files. According to ARIN, IP address 198.255.143.203 is assigned to Time Warner/Road Runner, and a subsequent administrative subpoena served to Time Warner on January 9, 2018 identified Geri Hewitt, 11 Genesee Street, Apartment 1, Greene, NY 13778, as the registered owner of that IP address during the time of the downloads.

8. On January 12, 2018, your Affiant met with the Village of Greene (Greene, NY)

Police Officer Jeffrey Messina, who provided your Affiant with a list of the utility subscribers for the apartments at 11 Genesee Street, Greene, NY 13778. The current utility subscriber for 11 Genesee Street, Apartment 1, Greene, NY 13778 is Geraldine Hewitt. Officer Messina is familiar with that address and the occupants, as he conducted an interview on an apparently unrelated matter of Hewitt's grandson, BROCK A LIKENS, at that residence approximately a year ago.

9. After speaking to your Affiant, on January 12, 2018, Officer Messina knocked on the door of 11 Genesee Street, Apartment 1, Greene, NY 13778. Prior to knocking, Officer Messina told your Affiant he heard what sounded like children's voices on a television or computer inside the apartment. Upon knocking, Officer Messina could tell the volume was turned down on whatever the voices had been emanating from. A male by the name of BROCK A. LIKENS answered the door and Officer Messina recognized him as the grandson of Geraldine Hewitt whom he had interviewed at that same residence the previous year. LIKENS initially appeared very nervous and was wringing his hands. Officer Messina could see into the interior of the apartment and all of the windows were blacked out with curtains. LIKENS told Officer Messina that he lived in the apartment with his grandmother, Geraldine Hewitt.

10. On January 25, 2018, your Affiant, along with other FBI agents and FBI Task Force officers, executed a federal search warrant at 11 Genesee Street, Apartment 1, Greene, NY 13778. Your Affiant and FBI Special Agent Joel Mercer met defendant LIKENS at his residence on that date and he voluntarily agreed to accompany your Affiant and SA Mercer to the Village of Greene Police Department interview room in Greene, NY to be interviewed. LIKENS stated there are two computers at the residence. One laptop, which has a broken screen, is hooked up to the television in the living room and is solely used for streaming movies to their television. The other laptop belongs to LIKENS and is currently on the nightstand next to his bed in his bedroom. LIKENS' grandmother, who lives at the residence with him, does not have or use any computers. No one

else resides at the apartment with them nor stays overnight.


11. During the execution of the search warrant, a forensic preview of LIKENS' laptop, found on a table next to his bed, was conducted. During the preview, multiple files of child pornography and child erotica were observed by your Affiant, one of which is described below:

a. File name: (Hussyfan)(Pthc)(R@Ygold)(Babyshivid)(Littlered) Russian Reality Kiddy 5Yr Old Carol Feeling Good All Kinds Of Sex F~1.mpeg: This video, approximately 6 minutes and 33 seconds in length, depicts an adult female performing oral sex on the vagina of a female child approximately 5 years old.

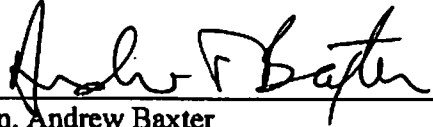
12. During the forensic preview of LIKENS' laptop, your Affiant also observed the file name for the Torrent file downloaded by Colonie Police Department Police Officer Chris Smith on November 26, 2017, "babyshivid", and observed that the Torrent file had included 48 files, coinciding with the number of files Smith was able to download from IP address 198.255.143.203 on November 26, 2017.

**Conclusion**

13. Based upon the above information, there is probable cause to establish that BROCK A. LIKENS has violated Title 18, United States Code, Section 2252A(a)(2)(A) which prohibits knowingly distributing child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce; and 2252A(a)(5)(B) which prohibits knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, and request that a criminal complaint be issued pursuant to these violations of federal law.

  
Jenelle Corrine Bringuel  
Special Agent, Federal Bureau of Investigation

Sworn to me this 25th  
day of January 2018.

  
Hon. Andrew Baxter  
United States Magistrate Judge  
N.D.N.Y.